

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Thursday, July 9, 2020 meeting

Online meeting via ZOOM- @ 5:00 PM

Approved on July 23, 2020

Present: Nancy Cole, Larry Schubert, Deborah Wells, John Rau and Andy Zaikis.

Absent: Julius Lowe

Also Present: Jaka Saarony, Peter Wells, Derrill Bazy, Philippe Jordi, Keith McGuire, Carlos DeOliveira, Reid Silva and Pam Thors, Board Administrator,

5:00 pm

The minutes of the meeting of July 25, 2020 were approved.

The letter from the Conservation Commission (ConComm) was read. They are asking to have a joint meeting with the ZBA on July 23, 2020 to be part of the discussion of the 63 Boghouse Way project. Nancy said, and the other board members agreed, that this is an opportunity to air the views of all involved and will be helpful.

5:15 pm

A Public Hearing on an Application for a Special Permit from Jaka Saarony to construct an 18'x33' above ground pool under Section 8.5-4 (C) of the Zoning Bylaws at 5 Vincent Rd, Assessor's Map 31, Lot 102.11, RU District

The notice was read and Jaka Saarony presented the application. She stated that she would like to construct the pool on her 4+ acre lot and that it will not require setback relief. Jaka explained that today they submitted a new site plan for the project which shows a different location for the pool than the original plan submitted. She said that they would like to change the location to avoid putting the pool under a large tree which would shed leaves and debris into the pool. She said that the new location is sunnier and next to their fenced-in garden, stating that if a fence were determined to be necessary, the garden fence could be extended to include the pool area.

The need for a fence was discussed. Jaka said that according to Joe Tierney, (building inspector), if the height of the pool is 48" or over, a fence is not required. She stated that only a locking ladder is required.

Pam noted that there was no correspondence received.

John stated that the site plan doesn't show where the pool equipment is stored. Jaka said that it is only a filter and the electric box. John said that there may be noise. Pam asked if there will be an enclosure. Jaka said she hadn't planned on having it enclosed because the system is similar in size to a small propane tank.

Peter Wells, an immediate abutter to the property stated his concern for pool noise, citing the fact that there is no natural buffer between his property and the new pool location. He stated his request that the location of the pool be changed to what was originally submitted.

Nancy stated that there appears to be a lot of vegetation between the pool and the Whiting-Wells property. She asked about lighting. Jaka stated that there would be no lights in the pool area.

Larry moved and Deborah seconded a motion to close the Public Hearing and open the Board Meeting.

John voiced his concern that the pool equipment may need to be enclosed, yet the location of the enclosure has not been established. Larry said that Joe will be issuing the Use Permit and will decide if there needs to be an enclosure. Jaka said that she is under the impression that she will be working closely with Joe on the project.

Larry said that the pool use is seasonal and is in the center of a 4 acre lot, 150' away from the lot line so feels comfortable granting the request.

Peter expressed a wish to continue speaking about the pool location but Nancy reminded him that the Open Meeting was closed and the Board could no longer hear testimony.

A motion was made and seconded to approve the application. A roll call vote was taken; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes, Andy Zaikis-yes. The vote was unanimous.

Nancy went over the 20 day appeal process.

5:35 pm

A Public Hearing on an Application for a Special Permit from Carlos DeOliveira to construct a deck addition to a single family dwelling requiring 20' of rear yard setback relief under Section 4.3-3 (D) of the Zoning Bylaws at 62 Otis Bassett Rd, Assessor's Map 17, Lot 15, RU District.

The notice was read and Carlos presented the application. He said that the house presently has a much smaller deck but that he would like to have a larger newer one to enjoy. He noted that he has spoken to his side yard abutters and they have no objections to the project. He said he had tried to reach his neighbor behind him but was unable to reach him at this point in time. Pam said she had received a phone call from an abutter, (Bradley-lot 58.1) who said he has no objection to the project.

John asked how close the neighbor behind him is to his lot line. Carlos said that that neighbor's house is about 75' from the shared rear lot line.

John moved and Deborah seconded a motion to close the Public Hearing and open the Board Meeting.

A motion was made and seconded to approve the application. A roll call vote was taken; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes, Andy Zaikis-yes. The vote was unanimous.

Nancy went over the 20 day appeal process.

5:55 pm

A Public Hearing on an Application for a Special Permit from Island Housing Trust to construct a Multi Family dwelling containing 2 Affordable Housing units with a total of 3 bedrooms requiring 5' of North

side yard setback relief on a pre-existing, non-conforming lot under Sections 4.3-3 (D), 11.1-3 (A) and 11.2-2 of the Zoning Bylaws at 16 Old Courthouse Rd, Assessor's Map 22, Lot 8, RU District.

The notice was read and Reid Silva of Vineyard Land Surveying and Engineering presented the project. He said that the Board of Selectmen had put out a Request for Proposals, (RFP) looking to create a structure to replace the Fire House at 16 Old Courthouse Rd, a pre-existing structure on a non-conforming lot, with a 2 family duplex which would be rented as 2 units of Affordable Housing. He said that the Planning Board, (Special Permit granting authority in this case), had approved the application to them on Monday, (July 6, 2020) and that the Board of Health has also approved the septic plans.

It was noted that the new building is compliant with setback requirements except for an attached shed which needs 5' of setback relief from the Northeast corner of the lot. The area that the shed sits on was part of the original footprint of the Fire House. It was also noted that presently most of the lot is paved but if approved, the new project would include much more green space with parking in back next to the septic system.

Keith McGuire, project manager for Island Housing Trust said that the design is based on the Scott's Grove model with both units being accessible and affordable. The single bedroom unit is wheelchair accessible. He said that he has notified all abutters of all pertinent meetings. He also noted that the house is modest and has a low profile with plenty of screening from the road.

John asked if the only issue the board had before them was the setback relief. Nancy said that there is also the change of the original non-conforming use and the alteration of a non-conforming structure.

John moved and Andy seconded a motion to close the Public Hearing and open the Board Meeting.

A motion was made to approve the application for Special Permit. A roll call vote was taken; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes, Andy Zaikis-yes.

Nancy went over the 20 day appeal process.

Larry stated that the Affordable Housing Committee worked very hard to get this project underway, offering a lot to the neighbors and going over and over details with a fine toothed comb. He said that this project will be an asset to the neighborhood, adding that getting one Affordable Housing project completed every 3-4 years is all they can hope for.

The meeting adjourned at 6:35 pm.

Respectfully Submitted, Pam Thors-Board Administrator